

Official Minutes for Webb County Commissioners Court Meeting

Monday, November 14, 2005 at 1:00 PM
and continuing Tuesday, November 15, 2005 at 1:00 PM
(Approved 01-09-2006 with corrections in bold and parenthesis)

Item No. 1 Call to order by Judge Louis H. Bruni
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni	County Judge
Frank Sciaraffa	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Jerry Garza	Commissioner, Pct. 3
Cindy Cortez-Brunner	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 10th of November 2005. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

Item No. 2 Roll Call – Margie Ramirez Ibarra, Webb County Clerk

Item No. 3 Pledge of Allegiance – Led by all

Item No. 4 Approval of minutes – September 26, 2005

Cmr. Gutierrez motioned to approve the minutes as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 6 Communications

There were no communications.

Item No. 7 Public Comment

Dr. Hector Farias was present to address Item No. 20. He stated that he was against the item and had concerns about lowering the salaries of the lowest paid employees to supplement those of the higher paid employees. He stated that the Sheriff violated Local Government Code (LGC) 262.023 by spending over \$25,000 without going out for bids. He stated that he also violated LGC by purchasing a cowboy hat worth over \$350. He stated that ignorance of the law is no excuse even though the

Sheriff has no law enforcement experience to speak of. He stated that he obtained a copy of Rick Flores' financial statement and it doesn't show that he pays any rent to anyone. He also stated that the proposed purchase of a gyroplane for use by the Sheriff's Department was a bad idea. He stated that he has been harassed by Sheriff Flores and has even questioned his military background without having served in the military himself. He thanked the court for being given an opportunity to address his concerns.

Mr. C.Y. Benavides, III, was present to address Item No. 12. He stated that he wanted to know where the J & S water well was located and why no bids were requested for this project. He stated that these questions needed to be addressed before any action was taken by the court. He stated that he was concerned about spending \$700,000 on this project and the court needed to focus on how the monies are being spent. He stated that he has done intense studies on water well structures in the area and was willing to share this information with the court.

Item No. 5 Approval of bills, payroll and monthly reports

Mr. Leo Flores, County Auditor, was present to address the court. He submitted a report to the court showing department budgets at the end of the fiscal year. He stated that there was a difference of \$199,000 between revenues and expenditures and that these excess monies were deposited into the General Fund. Cmr. Gutierrez stated that the health insurance was an issue that would need to be addressed since the cost of health insurance has been going up. She stated that she was glad to finally be able to zero out the Health Insurance claim fund.

Cmr. Gutierrez motioned to accept the Auditor's Monthly Report. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 8 Discussion and possible action to instruct the purchasing agent to solicit requests for proposals for an engineering firm to evaluate and recommend modifications to the Webb County Lake Casa Blanca dam, and any other matters incident thereto.

Judge Bruni stated that his office received a letter from the Texas Commission on Environmental Quality (TCEQ) on November 11th that was dated October 24th regarding problems with the dam. He stated that the cost for the project would be approximately \$2-6 million. He stated that it was structurally unsafe and needed to be evaluated to find out what needs to be done.

Judge Bruni motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Cmr. Gutierrez stated that the county has been working on getting the funding for studies on this structure and possibly going to city to request matching funds on their behalf. She stated that it needed to be done and the monies would need to be spent. Cmr. Cortez-Brunner stated that an emergency plan needed to be in place. Cmr. Garza questioned why the county was responsible for this dam. Judge Bruni

stated that TCEQ established that the responsibility fell to Webb County. Mr. Tomas Rodriguez, County Engineer, stated that he has done some research and the county retains ownership of the land even though it leases it for the park.

Motion carried 5-0 by unanimous consent.

Item No. 9 Discussion and possible action to direct the Webb County Purchasing Agent to solicit requests for proposals for the possible sale of the Webb County Detention Center.

Judge Bruni motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.

Cmr. Gutierrez stated that in previous meetings, the Court had set a minimum bid of \$10 million and doesn't feel that it should change. She stated that the court was responsible to the taxpayers and stated that she did not see the need to sell the property any time soon. She stated that it was hard to make a decision without seeing an appraisal on the property.

Judge Bruni motioned to approve item as submitted with a \$10 million minimum bid. Cmr. Garza seconded the motion.

Motion carried 4-1 with Cmr. Gutierrez voting against.

Item No. 10 Report by treasure's office on the receipt by Webb County of oil and gas reports from oil and gas companies regarding oil/gas wells on Webb County School lands, total royalty checks for the same, with discussion and possible action to request a comprehensive compilation of such information for presentation to the court.

Mr. Louie Saucedo, Treasurer's Department, stated that it a simple process is used to report the royalty checks received since all checks received are logged in daily. He stated that a report of the deposits is then prepared and input into the system. Judge Bruni stated that the court needed to hire someone who knows how these matters work. Cmr. Gutierrez stated that this issue was placed on the agenda several times and was the main reason for hiring outside counsel.

Judge Bruni motioned to defer this item. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 11 Status report from All American Ambulance Service LLC., on commencement of air ambulance services for Webb County.

Mr. Raul Casso, Chief of Staff, stated that he contacted All American last week and they would submit a presentation to the court. He stated that it would be possible to start the service in December. Mr. Carlos Villarreal, Executive Administrator, stated that he spoke with Scott Levens who stated that he would no longer be a part of All American. He stated that the new company would be based out of Houston. Judge

Bruni requested that the item be deferred to give staff a chance to research other companies and until All American Service could make a presentation to the court.

Item No. 12 Discussion and possible action to award Bid No. 2005-77 "Water Well Project" to Richardson & Dunn, Inc. d/b/a J & S Water Wells for Test Drilling and Production Well on Webb County School Lands to a base depth of 2,800 feet for an approximate amount of \$680,687 for the Engineering.

Judge Bruni motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion for discussion.

Cmr. Sciaraffa stated that he is still looking into this item and doesn't feel that he is ready to make a decision. Mr. Tomas Rodriguez, County Engineer, stated that the engineering for this project has been done and this item is to cover the costs for the drilling. He stated that the bids were already requested, submitted and presented to the court.

Mr. C.Y. Benavides, III requested permission to address this item. Judge Bruni stated that he wouldn't allow it and advised the court bailiff to escort Mr. Benavides ~~outside the courtroom~~ **(to his seat.)**

Mr. Rodriguez stated that this is not just a test well though the production well includes the construction of a test well. Judge Bruni stated that this project needed to move forward. He stated that a secondary water source is needed if the community is to continue to grow. He stated that he cannot understand how someone can vote against this item when it is direly needed. Mr. Rodriguez stated that there is a well located at the Carrizo-Wilcox Aquifer that has shown that there is water there. He stated that this well would establish the quality and quantity of water available. He stated that once this is established, the size of the water line can be determined. Cmr. Gutierrez stated that she was concerned about possible legal repercussions since they are the trustees of the school lands. Judge Bruni stated that he did not see any impediments with this project since a secondary water source was needed. Cmr. Sciaraffa stated that he was only asking questions to protect taxpayers' monies. Mr. Homero Ramirez, County Attorney, stated that there was no legal impediment to this item but he stated that there was no mechanism to recoup any monies used for this project. He stated that the project could still be done but that this issue would need to be addressed at a future meeting. Cmr. Gutierrez requested to defer this item to the next meeting to be able to have the court fully endorse this item. She requested that a workshop be held, if possible, to discuss this issue in detail. Judge Bruni stated that the workshop would be next Monday at 1:30 PM.

Cmr. Gutierrez motioned to defer this item until the Public Hearing. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Judge Bruni motioned to move into Executive Session. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

EXECUTIVE SESSION (2:42 PM to 3:38 PM)

Judge Bruni reconvened the meeting and stated that no action was taken while in Executive Session.

- Item No. 13 Status report on from Watt Beckworth Thompson & Henneman, L.L.P., on the results of initial research on oil and gas wells on Webb County school lands, with discussion and possible action to authorize additional research and case development including, and may be reasonably necessary, allowance for additional payment of legal fees for the same. (Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 - Consultation with Attorney)

Mr. Homero Ramirez, County Attorney, requested authorization to do some additional research and case development as well as authorize an additional \$10,000 for the additional services being requested.

Cmr. Gutierrez motioned to approve the County Attorney's recommendation. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 14 Discussion and possible action to enter into a "Community Partner Memorandum of Agreement" with the Federal Emergency Management Agency for the purpose of producing an updated, digital map for Webb County, and authorizing the Webb County Judge to execute all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 15 Presentation by Tim Mata, Chairman of "Feast of Sharing".

Mr. Tim Mata was present to address the court. He stated that the 17th Annual Feast of Sharing sponsored by H-E-B will be held on Sunday, November 20th from 11:00 AM to 3:00 PM. He stated that they expect over 700 volunteers to serve a Thanksgiving meal to over 12,000 people. Cmr. Gutierrez stated that this was a great event for the community.

Cmr. Gutierrez motioned to move up Item No. 20, No. 21 and No. 58. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 20 Discussion and possible action to approve the following decrease and increase on the following two (2) slots effective November 14, 200. The salary increases are equal to the salary decreases and the amount of personnel costs budgeted for fiscal year 2005-2006 remain unchanged.

Mr. Rick Flores, County Sheriff, stated that the reason for this item was that one of the slots would change from being under the Bargaining Agreement to being a civilian slot. He stated that he is working on getting the different departments in order and he will continue to bring these items before the court.

Judge Bruni motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 21 Discussion and possible action to accept the following three (3) vehicles by Department of Defense to the Webb County Sheriff's Department Fleet:

- (1) 1993 Chevrolet Chassis Cab
- (2) 1994 Chevrolet Ambulance
- (3) 1993 Chevrolet S10 pick

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 58 Discussion and possible action to authorize the purchase of one (1) additional vehicle for the sheriff's department in the amount of \$21,987.15 from Philpott Motors, LLC., from capital outlay account number 660-2001-8801 (\$14,278.00) and forfeiture account number 170-2001-8801 (\$7,709.15).

Judge Bruni motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Mr. Rick Flores, County Sheriff, stated that the monies would come from Drug Forfeiture Funds and savings from monies allocated for equipment by the court.

Motion carried 5-0 by unanimous consent.

- Item No. 16 Discussion and possible action to allow the City of Rio Bravo to dispose of 300-400 used tires at the Webb County Road and Bridge department, and any other matters incident thereto.

Cmr. Gutierrez motioned to approve item as submitted. Judge Bruni seconded the motion.

Cmr. Sciaraffa stated that the item should be fore Las Presas and Mangana Hein. He stated that this was scheduled for Saturday, November 19th.

Motion carried 5-0 by unanimous consent.

- Item No. 17 Report on meeting with City Manager Larry Dovalina and staff regarding location of the proposed County Morgue in the proximity of the Laredo Medical Center and the University of Texas Health Science Center.

Cmr. Gutierrez stated that there have been continuing discussions regarding the possibility of a land swap. She stated that the proposed land swap was accepted by the City Council for continued discussion. Judge Bruni stated that staff had been directed to look at other properties and sites. Mr. Tomas Rodriguez, County Engineer, stated that they looked at sites located on Hwy 259 but did not recommend this site due to possible land contamination. He stated that a possible site at Las Blancas does not have water and sewer services. He stated that he recommended the city owned site at the former base due to its proximity to the medical centers. He stated that one other possible site would be the CRT Center in Precinct 1. Cmr. Sciaraffa requested that the court not consider the CRT Center since he has several plans for different programs for the youth and community of Precinct 1.

- Item No. 19 Discussion and possible action to authorize the use of office space at the Tex-Mex building by the Webb County Chapter of the American Red Cross.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

BREAK (3:55 PM to 4:14 PM)

- Item No. 22 Discussion and Possible action to enter into an Amendment 11-01 of contract number 158100 with the Texas Department of Aging and Disability Services to provide home-delivered Meal Services through the Webb County Community Action Agency Meals on Wheels Program and authorizing the County Judge to sign all relevant documents [Requested by CAA, Account No. 952-4216]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 23 Discussion and possible action to cancel current THIRTY NINE (39) month lease (July 14, 2003 – October 11, 2006) agreement with Southwest Auto-Chlor System, L.P. for one (1) Commercial dishwashing machine and authorizing the County Judge to sign all relevant documents. [Requested by Head Start].

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 24 Discussion and possible action to enter into a one (1) year lease (November 14, 2005 – November 13, 2006) agreement with Southwest Auto-Chlor System, L.P. for two (2) Commercial dishwashing machines at a monthly rate of TWO HUNDRED THIRTY-FOUR DOLLARS AND SEVENTY-NINE CENTS (\$234.79) for a total cost of TWO THOUSAND EIGHT HUNDRED SEVENTEEN DOLLARS AND FORTY-EIGHT CENTS (\$2817.48) over the term of the lease, and authorizing the County Judge to sign all relevant documents. [Requested by Head Start]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Garza not present for voting.

- Item No. 25 Discussion and possible action to enter into contract amendment number one (1) to the rural transportation federal fund grant agreement (No. 515F7136, ed 0504(22)28) with the State of Texas, acting through the Texas Department of Transportation, wherein Webb County accepts an increase of TWENTY TWO THOUSAND SIX HUNDRED AND FIVE DOLLARS (\$22,605) to the original grant amount of TWO HUNDRED TWENTY ONE THOUSAND THREE HUNDRED THIRTEEN DOLLARS (\$221,313.00) for a total amount of TWO HUNDRED FORTY THREE THOUSAND NINE HUNDRED EIGHTEEN DOLLARS (\$243,918) for the "El Aguila" rural mass transportation program and authorizing the County Judge to sign all relevant documents. This Grant will be used to purchase required hardware and software. [Requested by CAA/El Aguila Transportation, Account No. 980-4205 (El Aguila Rural Transportation)].

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Garza not present for voting.

- Item No. 26 Discussion and possible action to enter into an equipment lease agreement for a thirty-six (36) month period (November 14, 2005 to November 13, 2008) with Office Communications Systems, Inc. for a Toshiba E-Studio 810 Digital Copier and accessories to be located at the Webb County District Attorney's office at a monthly cost of FOUR HUNDRED AND NINETY-ONE DOLLARS AND THIRTYSEVEN CENTS (\$491.37) for a total of SEVENTEEN THOUSAND SIX HUNDRED AND EIGHTY-NINE DOLLARS AND THIRTY-TWO CENTS (\$17,689.32) over the term of the agreement and authorizing the County Judge to sign all relevant documents. [Requested by District Attorney's Office, Account No. 001-1100-6014 (Equipment Rental)]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.

Motion carried 4-0 with Cmr. Garza not present for voting.

- Item No. 27 Discussion and possible action to accept one (1) right of way, out of Los Altos Subdivision, one (1) right-of-way out of Tanquecitos II Subdivision, one (1) right-of way out of Pueblo Nuevo Subdivision, 2 rights-of-way out of Ranchos IV-Los Minerales Annex Subdivision, 2 right-of-way out of Penitas West Subdivision, 4 right-of-way out of Los Centenarios Subdivision and one (1) right-of-way out of Los Mesquites Subdivision, and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Garza not present for voting.

- Item No. 28 Discussion and possible action to enter into Medical Health Services Agreements for Children enrolled in the Webb County Head Start Program for a period of two years, at reduced fees as set forth in the agreements, with the following Service Providers:
- | | |
|------------------------------------|-------------------------------|
| Dr. Erik Sloman-Moll, MD | 12/01/2005 through 11/30/2007 |
| Judith Ramos Jordan, MA, LPC, LCDC | 12/01/2005 through 11/30/2007 |
| Dr. Salvador Munoz-Flores, DDS | 12/01/2005 through 11/30/2007 |
| Dr. Marcus D. Hinojosa, OD | 12/01/2005 through 11/30/2007 |
| Dr. Karen Henderson, PhD | 11/01/2005 through 10/31/2007 |
- and authorizing an Exemption from section 262.023 Local Government Code (Competitive Bidding and Competitive Proposal Requirements)

and authorizing the County Judge to execute all relevant documents.
[Requested by Head Start Program, Account No. 903-4208-6218
(Medical/Dental Exam)]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Garza not present for voting.

- Item No. 29 Discussion and possible action to enter into Third Party Funding Agreement as Follow:
Hotel Motel Fund:
Border Olympics, Inc \$8,400.00
Mexican Cultural Institute \$8,400.00
Laredo Philharmonic Chorale \$5,000.00
General Fund:
SCAN Matching \$3,750.00
Bethany House of Laredo, Inc. \$9,370.00
Crime Stoppers of Laredo \$1,500.00
and authorizing the County Judge to execute all relevant documents

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Garza not present for voting.

- Item No. 30 Discussion and possible action to enter into an interlocal agreement with Zapata County to fund the cash match portion of the Edward Byrne Memorial Justice Assistance Grant which funds the District Attorney's Multi-Agency Task Force in the amount of FOUR HUNDRED AND FOUR THOUSAND NINE HUNDRED AND FORTY DOLLARS (\$404,940.00) with Webb County's obligation being TWO HUNDRED AND SIXTY FOUR THOUSAND ONE HUNDRED AND SEVENTYFIVE DOLLARS (\$264,175.00) and authorizing the County Judge to execute all relevant documents. [Requested by the DA's Multi-Agency Narcotics Task Force, Account No: 297-1100-3532 (Cash Match)]

Cmr. Gutierrez motioned to approve item as submitted. Judge Bruni seconded the motion.

Motion carried 4-0 with Cmr. Garza not present for voting.

- Item No. 31 Discussion and possible action to enter into a two (2) year (November 14, 2005 to November 13, 2006) " Service Contract for Monitoring Agreement" with ProFire Protection, Inc. to provide fire alarm detection services at the La Ladrillera Food Center at a semi-annual

cost of ONE HUNDRED AND THIRTY-TWO DOLLARS (\$132.00) for a total of TWO HUNDRED AND SIXTY-FOUR DOLLARS (\$264.00) over the term of the agreement and a one-time cost of TWO THOUSAND FIVE HUNDRED AND THIRTY-FOUR DOLLARS (\$2,534.00) for the Installation, Design and Permit for a total cost of TWO THOUSAND SEVEN HUNDRED AND NINETYEIGHT DOLLARS (\$2,798.00) and authorizing the County Judge to execute all relevant documents. [Requested by Purchasing Department, Account No. 001-0109-6004 (Communications)]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Garza not present for voting.

- Item No. 32 Discussion and possible action regarding Guillermo Garcia v. Webb County; Texas Workforce Commission Civil Rights Division Complaint No. 1A60002-S; EEOC Complaint No. 31CA600011, including possible authorization for Office of the Webb County Attorney to agree to mediate and resolve above-referenced claim.

Mr. Homero Ramirez, County Attorney, requested authorization to continue negotiations.

Cmr. Gutierrez motioned to authorize the County Attorney to continue negotiations. Judge Bruni seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 33 Discussion and possible action to create and fill a temporary full-time grant position (File Clerk) at \$8.25 an hour to be paid for by grant funds, effective November 15, 2005. (Acct. # 465-4302-5001).

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 34 Discussion and possible action to accept the Contract for Deed Contract (HOME Program Contract # 1000568) between Webb County and the Texas Department of Housing and Community Affairs (TDHCA) in the amount of \$520,000.00 (Five hundred twenty thousand dollars) for Contract for Deed conversion with Housing Rehabilitation to assist nine (9) homeowners, and to designate the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 35 Discussion and possible action to cancel Rehabilitation Contract with Two Sons Construction and use 10% retainage remaining at liquidated damages. Grant funds do not affect general fund.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 36 Discussion and possible action to pay the Final Payment Request to Closner Construction for the water lines improvements to the Self-Help Center complex in the amount of \$17,350.00 (Seventeen Thousand Three Hundred Fifty dollars and no cents). (Account # 679-8105-8103)

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 37 Discussion and Possible Action Authorizing the Engineering Department to fill Vacant Position, Slot # 2245, Assistant Secretary at a salary of \$10.48 per hour.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 38 Discussion and Possible Action Authorizing Change Order No. 4 in the amount of \$31,816.83, increasing the contact price from \$1,567,592.96 to \$1,599,409.79 and adding 125 days to the construction contract to Jimmy Closner Construction Company for the TWDB-EDAP El Cenizo Water Line Replacement.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 39 Discussion and Possible Action Authorizing Change Order No. 5 to Closner Construction, Inc. Increasing the Contract by \$73,929.00 from \$1,141,626.55 to \$1,215,555.55, and increase in time of 160 days.

This Change Order is due to the installation of seven pressure reducing valves and two gate valves. This is for the water line replacement Texas Water Development Board-Economically Distressed Areas Program Project.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 40 Discussion and Possible Action Authorizing Change Order No. 5 to Ramos Industries, Inc. in the amount of \$18,744.50, increasing the Contract price from \$1,391,873.00 to \$1,410,617.50 for the TWDB-EDAP Waste Water Collection System project on the north side of El Cenizo.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 41 Discussion and Possible Action Authorizing to amend Funds 610, 648 and 649 of the Texas Water Development Board-Economically Distressed Areas Program (TWDB-EDAP) Budget by transferring funds from accounts that will have no activity and have a balance to the "Construction (8006-8801-11)" and "Engineer Construction Phase (8006-6023-7)" accounts (See Attachment). This is subject to the TWDB's approval.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 42 Discussion and possible action authorizing the Facilities Department to fill vacant position, Slot #2236 Clerk, at an hourly rate of \$10.55 and to change the title from Clerk to Locksmith.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 43 Discussion and possible action to fill custodian slot # 037 at \$8.60 per hour and charge to account # 001-0106-5001 payroll.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 44 Discussion and possible action to approve the installation of 1,200 linear feet of bird deterrent electric jolt track and two solar charges at the Administration Building at a cost of \$ 13,100.00 and to charge this expenditure to the Repairs and Maintenance of Buildings Account 001-0106-6401

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 45 Discussion and possible action to approve a cellular phone with usage of 500 monthly minutes for Mr. Jorge Calderon, Planning Department Inspector.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 46 Discussion and possible action to fill slot #2085 Assistant Public Defender with a yearly salary of \$61,441.00.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 47 Discussion and possible action to approve the evaluation/selection committee for the Youth Village Project:

- 1) County Attorney Honorable Homero Ramirez/ Mr. Nathan Bratton
- 2) Executive Administrator, Carlos Villarreal
- 3) Chief of Staff, Mr. Raul Casso
- 4) County Auditor, Mr. Leo Flores
- 5) County Engineer, Mr. Tomas Rodriguez, P.E.
- 6) Purchasing Agent, Eloy Ramirez, Jr.
- 7) Project Architect, Mr. Frank Rotnosky

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 48 Discussion and possible action to award the following bids:

a. Manuel Rivera AA Builders	\$49,130	2006-02
b. Claudia Picasso A1 Construction	\$46,500	2006-03
c. Dolores Valdez A1 Construction	\$46,500	2006-04
d. Maria F. Martinez High & Mighty LLC	\$31,564	2006-05
e. Rosa De Leon High & Mighty LLC	\$41,573	2006-06
f. Manuel Rivera A1 Construction	\$32,350	2006-07

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 49 Discussion and possible action to approve Request for Competitive Sealed Proposal procedures for the Webb County Youth Village Project, New Juvenile Center, Laredo, Texas and the advertising dates.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.

Motion carried 3-2 with Cmr. Gutierrez and Cmr. Garza voting against.

Mr. Eloy Ramirez, Purchasing Agent, stated that the proposals would be opened early next year.

Item No. 50 Discussion and possible action to authorize the Purchasing Agent to lease purchase a digital copier in the amount of \$294.00 per mo. for 36 months for the Treasurer's Department. (Acct. 001-0300-6402 Repairs & Maintenance Equipment and 001-0300-6014 Equipment Rental)

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 51 Discussion and possible action to award the bid sale of video equipment to Dario Gomez in the amount of \$ 53.00, pursuant to: subchapter d. Disposition of salvage or surplus property, section 263.151 thru 263.158, Texas local government code. Revenue acct # 001-0300-3729

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 52 Discussion and possible action to approve the Request for Qualifications for a Public Information Officer for Commissioners Court.
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.
- Mr. Eloy Ramirez, Purchasing Agent, stated that the budgeted salary for this position was \$50,000 but that it was at the court's discretion what the salary would be. Cmr. Garza requested that the duties include any additional duties assigned by the Court.
- Motion carried 5-0 by unanimous consent.
- Item No. 53 Discussion and possible action to authorize the purchase of power conditioners for the audio/video equipment for M.I.S. department in the amount of \$17,985.00 from Texas Media Systems, Inc. ACCT. NO. 001-0500-6411 (Repairs and Maintenance Software)
- Cmr. Gutierrez motioned to defer this item. Cmr. Garza seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 54 Discussion and possible action to terminate the housing rehabilitation contract with Two Sons Construction for the home of Clarita Ramos, 1733 Patricia lane, Rio Bravo, Texas for failure of the contractor to complete the work specified with the allotted time period. (Webb County-Self Help Department)
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 55 Discussion and possible action to approve a purchase order contract for A-1 construction in the amount of \$ 10,460.00 to complete the housing rehabilitation contract for the home of Clarita Ramos, 1733 Patricia Lane, Rio Bravo, Texas (Webb County-Self Help Department)
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 56 Discussion and possible action to authorize a purchase contract to repair and expand the existing filing system for the district attorney's office from records systems, Inc. in the amount of \$12,142.07. Acct. No. 1690-1100-6224 (minor tools and apparatus); acct. No. 169-1100-8408 (office supplies)

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 57 Discussion and possible action to dispose, of one shredder model, Cummings 1400 series from the records management, management information department for the sale to Boston paper company in the amount of \$700.00. Pursuant to: subchapter d. Disposition of salvage or surplus property, section 263.151 thru 263.158, Texas local government code.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 59 Discussion and possible action to fill slot #873, Administrative Assistant, at a salary of \$15.46 per hour.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 60 Discussion and possible action to accept a proposal from Professional Actuarial Services, Inc. for the Actuarial Report of Webb County's Self funded Workers' Compensation Program as of September 30, 2005. Requesting an exemption from Section 262.023 of Local Government Code (Competitive Proposal Requirements) and authorizing the County Judge to execute all relevant documents. (Account #817-015-6022 Professional Services)

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 61 Discussion and possible action authorizing Dept. 7002, Road & Bridge to fill the following slots:

Slot 2116	Truck Driver	10.97 per hour
Slot 0673	Maintenance Aide	9.15 per hour

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to move into Executive Session. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Homero Ramirez, County Attorney, advised the court that Item No. 18 dealt with personnel matters and as such, the employee in question can choose whether to hold discussion in Open or Closed Session. Mr. Paul De La Peña, M.I.S. Director, stated that he would prefer Closed Session.

EXECUTIVE SESSION (4:32 PM to 5:23 PM)

Judge Bruni reconvened the meeting and stated that no action was taken while in Executive Session.

- Item No. 18 Discussion and possible action regarding evaluation, reassignment, duties, discipline, or dismissal of the Management Information Systems Director and any matters incident thereto. [Commissioners Court may meet in closed session pursuant to Texas Government Code Title 5, Subchapter D, §551.074, Personnel Matters. Additionally, the Commissioners Court may confer with their attorney in closed session pursuant to Texas Government Code Title 5, Subchapter D, §551.071 Consultations with Attorney].

Cmr. Gutierrez motioned to dismiss Mr. Paul De La Peña as M.I.S. Director and appoint Mr. Eddie Flores as Interim M.I.S. Director with the appropriate salary. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 62 Discussion and possible action regarding the recommendation of the Webb County Employee Grievance Committee concerning the grievance of former Management Information Systems employee, Juan E. Rico. Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters).

Mr. Homero Ramirez, County Attorney, stated that the recommendation of the Grievance Committee was to uphold the termination and advise Mr. Rico that he was free to apply for any positions for which he might be qualified.

Judge Bruni motioned to accept the Grievance Committee's recommendation and uphold the termination.

Motion carried 5-0 by unanimous consent.

Item No. 63 Discussion and possible action to ratify the engagement of Mr. Jim Allison of Allison Bass and Associates in Cause No. 2005-C1-17075, Holt Texas Ltd. et al. vs. Crouch/KST Enterprises, Ltd., Satterfield and Pontikes Construction, Inc, and Webb County in the 73rd Judicial District Court, Bexar County, Texas and to continue said representation on matters associated with and incident to said litigation and the Webb County Regional Water Plant. [Commissioners Court may confer with their attorney in closed session pursuant to Texas Government Code Title 5, Subchapter D, §551.071 Consultations with Attorney].

Mr. Homero Ramirez, County Attorney, recommended that the court ratify the engagement of Mr. Jim Allison of Allison Bass and Associates in this matter.

Cmr. Gutierrez motioned to ratify the engagement of Mr. Jim Allison of Allison Bass and Associates in this matter. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 64 Discussion and possible action to modify employee health insurance coverage or to otherwise authorize payment of medical and related expenses for gastric bypass surgery, a procedure currently not covered under Webb County's employee health insurance plan. (Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters))

Cmr. Gutierrez stated that she had some legal concerns about paying this expense after the fact. She stated that she feels strongly about this issue and that it will save the county money in the long run as well as benefit the employee's health. She stated that the court is unable to do anything at this time but recommended that the court look into allowing this in the future. Judge Bruni stated that the court also needed to look into the alcohol and drug abuse coverage currently offered. He stated that his main concern was that this was an issue that affected the youth and leaders of tomorrow.

Cmr. Gutierrez motioned to not take any action as per legal counsel. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 65 Adjournment

Cmr. Gutierrez motioned to adjourn. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.